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Washington, Wednesday, October 5, 1938

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

FARM CREDIT ADMINISTRATION

[FCA 103]

THE FEDERAL LAND BANK OF SAINT PAUL

FEES FOR CHANGE OF MATURITY DATES ON LOANS

Section 27.9 of Title 6, Code of Federal Regulations, is amended to read as follows:

"SEC. 27.9. *Fees for change of maturity dates on loans.*—Where the borrower requests that the maturity dates on any loan(s) be changed, the following fees are required: (a) Federal land bank loan, $3.00; (b) Commissioner loan, $3.00; and (c) Joint loan (FLB & Commissioner), $5.00. (Sec. 13 'Ninth', 39 Stat. 372, 12 U. S. C. 781 'Ninth'; Sec. 32, 48 Stat. 48, as amended, 12 U. S. C. 1016; Sec. 1, 48 Stat. 344, 12 U. S. C. 1020; Sec. 2, 48 Stat. 345, 12 U. S. C. 1020a.) [Res. Bd. Dir. July 20, 1938.]"

THE FEDERAL LAND
BANK OF SAINT PAUL.
[SEAL] By F. W. PECK, *President*.

[F. R. Doc. 38-2906; Filed, October 4, 1938; 12:22 p. m.]

[FCA 104]

THE FEDERAL LAND BANK OF SPRINGFIELD

PARTIAL RELEASE OF SECURITY FEES

Section 21.3 of Title 6, Code of Federal Regulations, is amended to read as follows:

"SEC. 21.3 *Partial release fees.*—A deposit of $10.00 shall be required with each application for a partial release. If an appraisal is necessary, the charge shall be $10.00 for the partial release of each Federal land bank or Land Bank Commissioner mortgage, unless the premises to be released are covered by both types of mortgages, in which case the charge shall be $10.00. If no appraisal is necessary, the charge shall be $5.00 for the partial release of each Federal land bank mortgage or Land Bank Commissioner mortgage, unless the premises to be released are covered by both types of mortgages, in which case the charge shall be $5.00. However, where the premises to be released consist of more than one parcel and the applicant requests a special release for each parcel, there shall be a further charge of $5.00 for each additional release, except that where such additional release affects premises covered by both a Federal land bank mortgage and a Land Bank Commissioner mortgage, the charge shall be $5.00. There shall be a charge of $3.00 for the preparation of a new release to take the place of one previously executed and delivered, and where such new release affects premises covered by both a Federal land bank mortgage and a Land Bank Commissioner mortgage the charge shall be $3.00. There shall be no charge where a new release is required to correct a previous release. (Sec. 13 "Ninth," 39 Stat. 372, 12 U. S. C. 781 "Ninth"; Sec. 32, 48 Stat. 48, as amended, 12 U. S. C. 1016; Sec. 1, 48 Stat. 344, 12 U. S. C. 1020; Sec. 2, 48 Stat. 345, 12 U. S. C. 1020a.) [Res. Ex. Com., September 27, 1938.]"

FEDERAL LAND BANK
OF SPRINGFIELD.
[SEAL] H. P. PERKINS, *Secretary*.

[F. R. Doc. 38-2907; Filed, October 4, 1938; 12:22 p. m.]

TITLE 7—AGRICULTURE

BUREAU OF PLANT INDUSTRY

REVISION OF REGULATION 10 OF THE REGULATIONS ISSUED PURSUANT TO THE FEDERAL SEED ACT

Under the Authority of Sec. 5 (c) of the Federal Seed Act of August 24, 1912, as amended April 26, 1926 (U. S. C. 7, 115 (c)), Regulation 10 of the regulations jointly issued by the Secretary of the Treasury and the Secretary of Agri-

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FEDERAL REGISTER

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culture, November 19, 1930, is hereby revised to read as follows:

REGULATION 10—COLORING SEEDS UNDER SUPERVISION

Seed required to be colored under Regulation 8 and not found to have been so colored prior to arrival in the United States shall not be permitted importation unless it has been colored at the expense of the importer and under the supervision of a representative of the Bureau of Plant Industry, or of a Customs officer when the Collector of Customs is notified that such supervision under the Bureau of Plant Industry is impracticable.

Regulation 10, thus revised, shall be effective on and after October 3, 1938.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

[SEAL] STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

SEPTEMBER 28, 1938.

[F. R. Doc. 38-2898; Filed, October 3, 1938; 2:54 p. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49713]

NOTICE OF DATA CONCERNING DISCOUNTS TO BE INCLUDED ON CUSTOMS INVOICES

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in section 481 (a) (10), Tariff Act of 1930 (U. S. C. title 19, sec. 1481 (a) (10)), and with reference to article 274 (e) (2) of the Customs Regulations of 1937, as amended by T. D. 49426, all customs invoices are required to set forth in detail, in respect of each class or kind of merchandise covered by the invoice, every discount from list or other base price which has been allowed or is to be allowed in fixing each purchase price or value set forth in the invoice.

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

Approved: September 30, 1938.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 38-2909; Filed, October 4, 1938; 12:38 p. m.]

[T. D. 49715]

MARKING—ARTICLES TO BE COMBINED

To Collectors of Customs and Others Concerned:

Numerous inquiries have been received with respect to the scope of article 528 (h) of the Customs Regulations of 1937, as amended by (1938) T. D. 49658.[1] This regulation was issued pursuant to section 304 (a) (2) of the Tariff Act of 1930, as amended by the Customs Administrative Act of 1938 (Public, No. 721, 75th Congress), which provides that:

The Secretary of the Treasury may by regulations—

* * * * *

(2) Require the addition of any other words or symbols which may be appropriate to prevent deception or mistake as to the origin of the article or as to the origin of any other article with which such imported article is usually combined subsequent to importation but before delivery to an ultimate purchaser;

Article 528 (h) in its present form applies only when an imported article is of a kind which is usually combined with another article subsequent to importation but before delivery to an ultimate purchaser in a manner which does not result in an article manufactured or produced in the United States. The phrase "combined with another article", as used in article 528 (h), refers to a combining of an imported article with another article without any process of manufacture or production and in such a manner that their separate identities are maintained and they do not become integral parts of an article manufactured or produced in the United States. Imported watch movements and toothbrush handles, for example, are not within the purview of the article, whereas bottles or other containers imported empty to be filled are within its purview.

Pursuant to the authority contained in section 304 (a) (1) of the Tariff Act of 1930, as amended, collectors of customs are hereby authorized, in the case of articles subject to the special marking requirement of article 528 (h), which are imported before December 1, 1938, to accept such marking when accomplished by means of firmly affixed paper labels or any other means, provided the collector is satisfied in each instance that such special marking is sufficiently permanent to convey to the ultimate purchaser of the combined articles clear information that the country of origin indicated is that of the imported article only. In the case of articles imported on or after December 1, 1938, the special marking required by article 528 (h) should be as permanent as the nature of the article would permit if the marking were accomplished either during the course of manufacture or at some other time prior to shipment.

[SEAL] J. H. MOYLE,
Commissioner of Customs.

Approved: September 30, 1938.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. 38-2910; Filed, October 4, 1938; 12:38 p. m.]

[1] 3 F. R. 1808 DI.

TITLE 41—PUBLIC CONTRACTS

DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE FIREWORKS INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing on May 2, 1938 in the above-entitled matter.

Notice of the hearing was sent to all known members of the industry, to trade unions, trade associations, and trade publications in the field. Invitation to attend the hearing was extended through the national press to all other interested parties.

Testimony was given at the hearing by Counsel for the Association of Pyrotechnic Industries, by members of the industry, and by a representative of the United Mine Workers of America.

The fireworks industry, for the purpose of this decision, is divided into two branches: the commercial fireworks division, and the fusee division. The no-

tice of hearing covered, in addition, the display branch of the industry. The Board advises me that there are very few employees in the display branch of the industry and that the Government does not normally enter into contracts with the members of this branch of the industry. Accordingly, the display branch of the fireworks industry has been excluded from the scope of the definition.

The fusee division of the fireworks industry makes such products as flares, fusees, and torpedoes. Safety fuses and squibs were listed as products of this division in a survey made by the Bureau of Labor Statistics served on all known interested parties, and introduced in evidence at the hearing. The Board advises me that these products are not manufactured by the fireworks industry, and for the purposes of this decision they will not be considered as products of the fireworks industry.

The Bureau's survey covered 1,384 employees of a total average employment of 1,587 as reported by the Bureau of the Census for 1935. It covered 41 establishments, located in 13 states. Of these plants, 19 were engaged in the manufacture of commercial fireworks and employed 988 of the 1,384 workers; 7 were engaged in the manufacture of display fireworks and employed 310 workers. Wage frequency tables, graduated by 5 cent intervals, were set up separately for (1) the commercial and display fireworks divisions, and (2) the fusee division. With minor exceptions the wages were taken from pay rolls in effect in October, 1937.

At the request of the Board, the Bureau of Labor Statistics broke down the available data to show separately and in 2.5 cent intervals the wages paid in the display branch and in the commercial branch of the fireworks industry. The resultant tables were mailed to the interested parties for comment and were also ordered incorporated into the record. No comments were received.

In the commercial fireworks branch of the industry the outstanding concentration of workers in the lower part of the wage structure occurs in the 30 to 32.5 cent interval. Into this 2.5 cent interval fall 137, or 13.8 percent, of the workers, whereas only 61 or 6.2 percent and 72 or 7.3 percent of the workers fall into the two next lower intervals, and only 96 or 9.8 percent and 71 or 7.1 percent fall into the two next higher intervals.

Of the total number of workers covered in the survey of the Bureau of Labor Statistics, only 310 were engaged in the manufacture of fusees, flares, ship and railroad torpedoes. The first pronounced concentration in the wage structure appears in the 32.5 to 37.5 cent interval, wherein 11.6 percent of the workers are found. This is followed by a still heavier concentration in the 37.5 to 42.5 cent interval which contains 16.1 percent of the workers.

The Board recommends (1) that the prevailing minimum wage in the manufacture or supply of commercial fireworks be determined to be 31.25 cents an hour or $12.50 per week for a week of 40 hours; and (2) that the prevailing minimum wage in the manufacture or supply of fusees, flares, and ship and railroad torpedoes be determined to be 37.5 cents an hour or $15.00 per week of 40 hours.

I have examined the findings and recommendations of the Board, and the record of the hearing, and I am of the opinion that such findings and recommendations are correct and I adopt them as my own.

Therefore, I hereby determine

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sup. III 35) for the manufacture or supply of commercial fireworks shall be 31.25 cents an hour or $12.50 per week for a week of 40 hours, arrived at either upon a time or piece work basis; and

(2) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sup. III 35) for the manufacture or supply of fusees, flares, and ship and railroad torpedoes shall be 37.5 cents an hour or $15.00 per week for a week of 40 hours, arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wages hereby established shall apply to all such contracts, bids for which are solicited on or after October 15, 1938.

Dated: September 30, 1938

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 38-2904; Filed, October 4, 1938; 10:19 a. m.]

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE WOOL CARPET AND RUG INDUSTRY

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing on June 7, 1938, in the above entitled matter.

Notice of the hearing was sent to all known members of the industry, to trade unions, trade associations, and trade publications in the field. Invitation to attend the hearing was extended through the national press to all other interested parties.

There were no members of the industry present at the hearing on June 7, 1938. Labor was represented at the hearing by Solomon Barkin, Research Director, Textile Workers Organizing Committee, C. I. O.

On July 12, 1938, the Public Contracts Board advised the Administrator that while the facts of record had made out a good case for a 40 cents an hour minimum, nevertheless the Board felt that, inasmuch as all evidence came from labor, industry should be given an opportunity because of the ex parte nature of the testimony to show cause why 40 cents an hour or $16.00 per week for a week of 40 hours should not be determined by the Secretary of Labor to be the minimum wage prevailing in the industry.

On July 16, 1938, the Administrator, acting upon the recommendation of the Board, advised all interested parties that they would be given an opportunity at a hearing to be held before the Board on August 2, 1938, to show cause why the prevailing minimum wage should not be 40 cents an hour or $16.00 per week. Notice of the second hearing was sent to all the parties to whom the original notice was sent. The hearing was attended by Mr. Barkin in his capacity as Research Director for the Textile Workers Organizing Committee, and by a member of the industry. The industry did not furnish by letter or brief any data as to the wage structure in the industry. The 1935 Census of Manufactures shows that in that year there was an average of 27,633 wage earners in the wool carpet and rug industry, excluding rag rugs. The Census indicated that the plants were located in New York, Pennsylvania, Massachusetts, New Jersey, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, North Carolina, Ohio, Rhode Island, Virginia, and Wisconsin.

Mr. Barkin testified that there were some 27,000 persons engaged in the industry in the States of Pennsylvania, New York, New Jersey, Connecticut, and Massachusetts. The Textile Workers Organizing Committee of the C. I. O. has contractual relations with carpet and rug manufacturers employing some 22,000 workers in 13 or 14 companies, which include, with the exception of two companies, all the large companies producing carpets and rugs, exclusive of rag rugs. The wage agreement with a Minnesota manufacturer employing less than 100 wage earners provided for a 35 cent minimum. In several Philadelphia plants, the union agreement provided for a minimum of 37.5 cents. These Philadelphia plants, subject to this minimum, employ about 1,400 persons. 13,400 employees out of approximately 22,000 who are members of the Textile Workers Organizing Committee of the C. I. O. in an industry employing approximately 27,000 workers are employed under wage agreements providing for a minimum hourly rate of 40 cents. These agreements affect employees in the industry in the States of New York, Pennsylvania, Connecticut, Mas-

sachusetts, Minnesota, and New Jersey. These states are the only ones where the industry is carried on extensively.

I have examined the findings and recommendations of the Board, and the record of the hearing, and I am of the opinion that such findings and recommendations are proper, and I adopt them as my own.

Therefore, I hereby determine:

That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sup. III 35) for the manufacture of wool carpets and rugs, exclusive of rag rugs, shall be 40 cents an hour, or $16.00 per week of forty hours, to be arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wage hereby established shall apply to all such contracts, bids for which are solicited on or after October 15, 1938.

[SEAL] FRANCES PERKINS,
The Secretary.

Dated: September 30, 1938.

[F. R. Doc. 38-2905; Filed, October 4, 1938; 10:19 a. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

[1938—Department Circular No. 1]

VALUES OF FOREIGN MONEYS

OCTOBER 1, 1938.

Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1938, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-2911; Filed, October 4, 1938; 12:38 p. m.]

Values of foreign monetary units (at par as regards gold units; non-gold units have no fixed par with gold)

Country	Monetary unit	Value in terms of United States money	Remarks
Argentine Republic	Peso	$1.6335	Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929.
Australia	Pound	8.2397	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium	Belga	.1695	By decree of Mar. 31, 1936. One belga equals 5 Belgian francs.
Bolivia	Boliviano	.6180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Milreis		Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930.
British Honduras	Dollar	1.6931	Conversion of notes suspended.
Bulgaria	Lev	.0122	Exchange control established Oct. 15, 1931.
Canada	Dollar	1.6931	Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933.
Chile	Peso	.2060	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931.
China	Yuan		Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1 s. 2⅛d., or about 29½¢ U. S., per yuan.
Hong Kong	Dollar		Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate.
Colombia	Peso	1.6479	Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.7879	Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932.
Cuba	Peso	1.0000	By law of May 25, 1934.
Czechoslovakia	Koruna	.0351	By decree of Oct. 9, 1936.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Dollar	1.6931	U. S. money is principal circulating medium.
Ecuador	Sucre	.3386	Conversion of notes into gold suspended Feb. 9, 1932.
Egypt	Pound (100 piasters).	8.3692	Conversion of notes into gold suspended Sept. 21, 1931.
Estonia	Kroon	.4537	Conversion of notes into gold suspended June 28, 1933.
Finland	Markka	.0420	Conversion of notes into gold suspended Oct. 12, 1931.
France	Franc		Provisions of Monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies.
Germany	Reichsmark	.4033	Exchange control established July 13, 1931.
Great Britain	Pound Sterling	8.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece	Drachma	.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala	Quetzal	1.6931	Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Honduras	Lempira	.8466	Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar.
Hungary	Pengö	.2961	Exchange control established July 17, 1931.
India [British]	Rupee	.6180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster		Piaster pegged to French franc at the rate of 1 piaster = 10 French francs; conversion of notes into gold suspended Oct. 2, 1936.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	.0526	New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936.
Japan	Yen	.4440	Embargo on gold exports Dec. 13, 1931.
Latvia	Lat		Currency pegged to sterling Sept. 28, 1936, at 2,522 lati = £100.
Liberia	Dollar	1.6931	British money is principal circulating medium.
Lithuania	Litas	.1693	Free export of gold suspended Oct. 1, 1935.
Mexico	Peso		Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law.
Netherlands and colonies	Guilder (florin)	.6806	Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936.
Newfoundland	Dollar	1.6931	Newfoundland and Canadian notes legal tender.
New Zealand	Pound	8.2397	Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations December 1931.
Nicaragua	Cordoba	1.6933	Embargo on gold exports Nov. 13, 1931.
Norway	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Panama	Balboa	1.6933	U. S. money is principal circulating medium.
Paraguay	Peso (Argentine)	1.6335	Paraguayan paper currency is used; exchange control established June 28, 1932.
Persia (Iran)	Rial	.0824	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru	Sol	.4749	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands	Peso	.5000	By act approved Mar. 16, 1935.
Poland	Zloty	.1899	Exchange control established Apr. 27, 1936.
Portugal	Escudo	.0749	Gold exchange standard suspended Dec. 31, 1931.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Salvador	Colon	.8466	Conversion of notes into gold suspended Oct. 7, 1931.
Siam	Baht (Tical)	.7491	Conversion of notes into gold suspended May 11, 1932.
Spain	Peseta	.3367	Exchange control established May 18, 1931.
Straits Settlements	Dollar	.9613	British pound sterling and Straits dollar and half dollar legal tender.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.

Values of foreign monetary units (at par as regards gold units; non-gold units have no fixed par with gold)—Continued.

Country	Monetary unit	Value in terms of United States money	Remarks
Switzerland	Franc		Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold.
Turkey	Piaster	$0.0744	100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930.
Union of South Africa	Pound	8.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Republics	Chervonetz	8.7123	
Uruguay	Peso	.6583	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .585018 grams of pure gold per peso established by monetary law of Jan. 12, 1938.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.
Yugoslavia	Dinar	.0298	Exchange control established Oct. 7, 1931.

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 7-408 (A)-1]

APPLICATION OF MARQUETTE AIRLINES, INC., FOR PERMISSION TO LEASE TWO DOUGLAS DC-2 AIRPLANES FROM AMERICAN AIRLINES, INC., UNDER SECTION 408

OCTOBER 3, 1938.

The above entitled proceeding is assigned for public hearing on October 7, 1938, at 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Authority, Washington, D. C., before the Authority.

By the Authority:

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 38-2908; Filed, October 4, 1938; 12:31 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 294]

FARMS NOT RECEIVING CENTRAL STATION ELECTRIC SERVICE

SEPTEMBER 29, 1938.

Pursuant to Section 3 (c) of the Rural Electrification Act of 1936, as amended, and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each State and the number of such farms for the United States at the beginning of the current fiscal year are as set forth in the following schedule:

United States	5,508,372
Alabama	256,956
Arizona	11,825
Arkansas	245,675
California	58,712
Colorado	50,751
Connecticut	12,296
Delaware	8,217
Florida	71,561
Georgia	236,204
Idaho	23,370
Illinois	179,846
Indiana	148,120
Iowa	179,570
Kansas	147,989
Kentucky	276,467
Louisiana	162,735
Maine	24,356
Maryland	30,675
Massachusetts	13,262
Michigan	100,059
Minnesota	175,159
Mississippi	311,336
Missouri	247,984
Montana	36,651
Nebraska	112,483
Nevada	2,204
New Hampshire	8,126
New Jersey	8,404
New Mexico	38,972
New York	86,788
North Carolina	270,709
North Dakota	70,843
Ohio	148,533
Oklahoma	199,065
Oregon	39,177
Pennsylvania	99,779
Rhode Island	178
South Carolina	151,697
South Dakota	69,725
Tennessee	255,367
Texas	459,870
Utah	11,475
Vermont	18,299
Virginia	166,231
Washington	40,193
West Virginia	97,304
Wisconsin	129,618
Wyoming	13,556

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-2899; Filed, October 4, 1938; 9:31 a. m.]

[Administrative Order No. 295]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 30, 1938.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation	*Amount*
Iowa 9034C1 Jones	$153,988
Texas 9030C1 Upshur	95,000
Texas 9050C1 Grayson	134,000
Texas 9072A1 Lamar	316,000
Texas 9077A1 Johnson	308,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-2900; Filed, October 4, 1938; 9:31 a. m.]

[Administrative Order No. 296]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 30, 1938.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation	*Amount*
Colorado R9016A1 Jefferson	$109,000
Illinois R9018B2 Pike	70,500
Illinois R9018G3 Pike	5,000
Iowa R9034C2 Jones	145,012
Iowa R9057A1 Mitchell	222,000
Kentucky R9027C1 Boyle	162,000
Ohio R9033C1 Auglaize	314,000
Ohio R9084B1 Carroll	194,000
Tennessee R9017A3 Hardeman	11,000
Virginia R9029D1 Nelson	80,000
Wisconsin R9019C1 Chippewa	109,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-2901; Filed, October 4, 1938; 9:31 a. m.]

[Administrative Order No. 297]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 30, 1938.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation	*Amount*
Iowa R9032W1 Butler	$5,000
Kansas R9008W1 Allen	1,000
Ohio R9039W2 Paulding	5,000
Ohio R9065W1 Fairfield	2,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-2902; Filed, October 4, 1938; 9:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1938.

[File No. 50-5]

IN THE MATTER OF AMERICAN GAS AND POWER COMPANY AND BIRMINGHAM GAS COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

American Gas and Power Company, a registered holding company under the Public Utility Holding Company Act of 1935, and Birmingham Gas Company, a subsidiary of American Gas and Power Company (hereinafter referred to as "American" and "Birmingham," respec-

tively), having filed declarations and applications under Sections 7 and 12 (c) of said Act and Rules U–12D–1, U–12E–4 and U–12E–5 of the Commission with respect to a plan with certain amendments thereto (hereinafter referred to as the "Plan") for the recapitalization of Birmingham and the cancellation of certain inter-company debt;

A public hearing having been held on said declarations and applications and on the Plan, after appropriate notice,[1] and thereafter amendments to the Plan having been filed; Applicants having by stipulation waived the preparation and submission to them of any report by the trial examiner and the preparation and submission to them of proposed findings of fact by the Commission and requested findings of fact by counsel for the Commission; and oral argument having been had on this matter; and

The Commission having considered the record in this matter and having made its findings and set forth therein conditions under which such declarations might be permitted to become effective, and the Applicants having been apprised of said conditions and having accepted the same in writing;

It is ordered, That said declarations be and become effective forthwith, subject to the following terms and conditions being fully satisfied and carried out:

(1) *The Plan and supporting documents to be further amended in the following respects:*

1. Section 2 of Article Three of the proposed Note Agreement of Birmingham dated as of October 1, 1938 to be modified so as to provide that Notes delivered to the Trustee thereunder on account of the Sinking Fund requirements shall be credited at cost to Birmingham, or par, whichever is lower, and that the cost of such Notes shall be certified to the Trustee in writing by the president and treasurer of Birmingham.

B. Paragraph B, Article V of the Plan recites that "Under the formula provided in the Supplemental Debenture Agreement of American dated July 18, 1935, the interest and sinking fund instalments on said loan (the $600,000 loan from Continental) will constitute a prior charge in the determination of net earnings of American available for (a) conditional interest on the debentures, (b) sinking fund for retirement of debentures and (c) principal and interest payments on remaining inter-company debt." This provision shall be stricken from the Plan and no such deduction of interest and amortization payments on the $600,000 loan shall be made unless specific consents from the persons designated in paragraph D hereof are obtained to an amendment to the Supplemental Debenture Agreement expressly authorizing such deductions, and expressly excluding any authorization for deducting any other sums for repayment of bank loans.

C. The Plan to be amended to provide that (a) the $100,000 repaid by American to Continental and deducted as a prior charge in the determination of net earnings of American available for distribution under the formula provided in its said Supplemental Debenture Agreement dated July 18, 1935, shall be restored to net earnings available for such distribution and shall be applied (1) ⅓ as conditional interest on its debentures, (2) ⅓ for Sinking Fund and retirement of its debentures, and (3) ⅓ for interest and principal payments to Birmingham, Minneapolis and Jacksonville upon their certificates of indebtedness, and (b) the $160,000 subsequently repaid to Continental shall not be deducted as such a prior charge. These changes shall not be necessary if specific waivers of such restoration and consents to such deductions are received from the persons designated in paragraph D hereof.

D. The Plan to be amended to provide that it shall not become effective unless the Plan as a whole, the matter referred to in paragraph B hereof, and the matters referred to in paragraph C hereof (unless the first sentence of paragraph C is complied with) shall each be approved by at least:

(1) the holders of at least 66⅔% of the principal amount of American's secured debentures (other than those reacquired and now held in American's treasury or pledged);

(2) the holders of at least 80% of the principal amount of Birmingham's publicly held notes;

(3) the holders of at least 95% of the principal amount of Birmingham's preferred stock; and

(4) the Minneapolis and Jacksonville companies, acting through their respective Boards.

(2) *American to confirm agreements and agree as follows:*

A. That the Commission shall retain jurisdiction to pass upon fees and expenses incurred and to be incurred in connection with the Plan of Recapitalization pursuant to Section 7 (d) (4), and that American will not pay fees and expenses in excess of the amounts so approved by the Commission.

B. The Commission shall retain supervisory jurisdiction to prevent diversion of funds available for repayment of Continental loan of $600,000 and that, until said loan is repaid, it will make no commitments other than for current, normal expenditures and will not reacquire additional secured debentures without the approval of the Commission.

C. Not to reissue or repledge any of its reacquired secured debentures unless it makes a showing satisfactory to the Commission that such reissuance or repledge (in addition to conforming with the standards of Section 7 of the Public Utility Holding Company Act of 1935) will not be unfair to any party to the Plan or any person whose consent to such Plan was solicited.

D. To cause Birmingham, Minneapolis and Jacksonville to retain independent counsel to advise them, respectively, upon all intercompany matters now or hereafter arising, including, without thereby limiting the foregoing, the Plan and the proposed modifications thereof, and authorizes the Commission at any time, and from time to time, to inquire into the independent character of such counsel and if it finds that any such counsel is not independent, to require the removal of such counsel and the selection of other counsel.

(3) *American and Birmingham to agree to the following provisions respecting solicitation:*

A. All literature to be used in solicitation of waivers and consents shall first be submitted to and be approved by the Commission and shall contain specific reference to the amendments to the Plan and the agreements of American hereinabove referred to.

B. All solicitation shall be preceded or accompanied by the report of the Commission pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935.

C. Prior to the submission of the Plan with the foregoing modifications to the Boards of Directors of Birmingham, Minneapolis and Jacksonville, independent counsel shall have been chosen by them, respectively, and their names submitted to the Commission. When such Plan is submitted to the respective Boards there shall also be submitted to them a copy of the report of the Commission pursuant to said Section 11 (g) and an analysis of the Plan and of above amendments in form approved by the Commission.

D. Appropriate changes shall be made in all literature, proposals and papers filed with the Commission to give effect to the foregoing amendments, conditions and agreements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38–2917; Filed, October 4, 1938; 12:51 p.m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1938.

[File No. 50–5]

IN THE MATTER OF AMERICAN GAS AND POWER COMPANY AND BIRMINGHAM GAS COMPANY

ORDER ADOPTING REPORT ON PLAN

American Gas and Power Company, a registered holding company under the Public Utility Holding Company Act of 1935, and Birmingham Gas Company, a subsidiary of American Gas and Power Company, (hereinafter referred to as

[1] 3 F. R. 1175 DI.

"American" and "Birmingham," respectively) having filed applications for reports under Section 11 (g) of the Act and Rule U–12E–3 of the Commission with respect to a plan and certain amendments thereto (hereinafter referred to as the Plan) for the recapitalization of Birmingham and the cancellation of certain inter-company debt;

A public hearing having been held on said applications and on the Plan, after appropriate notice,[1] and amendments having thereafter been filed to the Plan; Applicants having by stipulation waived the preparation and submission to them of any report by the trial examiner and the preparation and submission to them of proposed findings of fact by the Commission and requested findings of fact by counsel for the Commission; and oral argument having been had on this matter; and

The Commission having considered the record in this matter and having made and filed its findings and opinion on the Plan on this 29th day of September, 1938, and having set forth in said findings and opinion conditions under which the declarations therein referred to might be permitted to become effective, and the Applicants having been apprised of said conditions and having accepted the same in writing; and

The Commission having prepared its report on the Plan as amended pursuant to Section 11 (g) of the Act;

It is ordered, That said applications be and they hereby are granted, and that said report is hereby adopted by the Commission as its report under Section 11 (g) of the Act and Rule U–12E–3 of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38–2916; Filed, October 4, 1938; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of October, 1938.

[File No. 1–2238]

IN THE MATTER OF APPLICATION BY SAN FRANCISCO MINING EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE 10¢ PAR COMMON ASSESSABLE STOCK AND 10¢ PAR COMMON NON-ASSESSABLE STOCK OF CONCORDIA VIRGINIA MINING COMPANY

ORDER CHANGING HEARING DATE

The San Francisco Mining Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the 10¢ par common assessable stock and 10¢ par common non-assessable stock of Concordia Virginia Mining Company; and

The Commission having ordered[1] that the matter be set down for hearing at 10 A. M. on Monday, October 17, 1938 at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California; and

It appearing that the officer designated in said order to preside at said hearing will not be available on said date;

It is ordered, That the date of said hearing be and the same is hereby changed from October 17, 1938, to October 15, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38–2914; Filed, October 4, 1938; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of October, A. D. 1938.

[File No. 31–410]

IN THE MATTER OF THE APPLICATION OF DOMINION GAS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FOR EXEMPTION FROM PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicant, the Commission consents to the withdrawal of the application for exemption of the above-named applicant, and to that effect.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38–2915; Filed, October 4, 1938; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1938.

[File No. 43–157]

IN THE MATTER OF UNITED FUEL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on October 21, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 17, 1938.

The matter concerned herewith is in regard to the declaration of United Fuel Gas Company, a West Virginia corporation having its principal place of business at Charleston, West Virginia, and being a subsidiary company of Columbia Gas & Electric Corporation, a registered holding company, regarding a change in the par value of declarant's common stock from $100 a share to $1 a share. It is stated that the surplus created by the reduction of capital will be segregated in a separate account and designated as "Special Capital Surplus." It is further stated that all of the shares of such common stock, 300,000 in number, are held by Columbia Gas & Electric Corporation. It is further stated that the funded debt of applicant, which is the only security of the applicant outstanding in the hands of the public, consists of $6,000,000 aggregate principal amount of Guaranteed 4% Serial Notes, dated January 1, 1934, due serially from 1939 to 1946.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38–2912; Filed, October 4, 1938; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its

[1] 3 F. R. 1175 DI.

[1] 3 F. R. 2366 DI.

office in the City of Washington, D. C., on the 4th day of October, A. D. 1938.

[File No. 52-8]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application (File No. 52-8) pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 having been filed with this Commission by Z. E. Merrill, President and Director of Mountain States Power Company, on behalf of the Company and by David S. Soliday, John H. Mason, John W. Sparling, E. B. Williamson and Thomas E. Young as a Preferred Stockholders Committtee for the holders of 7% Cumulative Preferred Stock of Mountain States Power Company;

It is ordered, That a hearing on such matter be held on October 18, 1938 at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 13, 1938.

The matter concerned herewith is in regard to a plan of reorganization of said Mountain States Power Company which this Commisison is requested to approve as provided in section 11 (f) of said Act prior to submission of the plan to the District Court of the United States for the District of Delaware in proceedings therein pending for the reorganization of said Mountain States Power Company under section 77B of the Bankruptcy Act. It is proposed to distribute the securities of the reorganized company as follows:

For each $100 principal amount of First Mortgage Bonds, Series A, 5%: $100 principal amount of new First Mortgage 4½% Bonds and $2.88 of new Common Stock, $25 par value.

For each $100 principal amount of First Mortgage Bonds, Series B, 6%: $100 principal amount of new First Mortgage 4½% Bonds and $8.57 of new Common Stock, $25 par value.

For each share of 7% Cumulative Preferred Stock, $100 par value, and all accumulated and unpaid dividends thereon: 4 shares of new 4% Cumulative Preferred Stock, $25 par value, *or* 4 shares of new Common Stock, $25 par value.

For each 25 shares of no par Common Stock held by persons other than Standard Gas and Electric Company and Standard Power and Light Corporation: One share of new Common Stock, $25 par value.

To Standard Gas and Electric Company for its disputed claim filed in the reorganization proceedings: 130,393.54 shares of new Common Stock, $25 par value.

On May 13, 1938, a plan of reorganization for this Company was filed by H. S. Payson Rowe, Julian D. Anthony, W. H. Duff, T. A. Phillips, F. T. Pratt, and E. B. Sherwin as a Protective Committee for the holders of First Mortgage Bonds of Mountain States Power Company. A hearing was held in connection with that application on July 6, 1938, and will be reopened at the time and place set above and held jointly with the hearing to be held on this application of Z. E. Merrill and the Preferred Stockholders Committee.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-2913; Filed, October 4, 1938; 12: 50 p. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, SEPTEMBER 30, 1938

Important.—Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	379	38
2. Hawaii	138	15
3. California	2,130	763
4. Texas	2,185	880
5. Alaska	22	9
6. Louisiana	788	372
7. Michigan	1,817	859
8. Arizona	163	81
9. New Jersey	1,516	785
10. South Carolina	652	370
11. Ohio	2,494	1,476
12. Oklahoma	899	539
13. Arkansas	696	426
14. Alabama	993	611
15. Mississippi	754	468
16. New Mexico	159	100
17. North Carolina	1,189	781
18. Georgia	1,091	732
19. Kentucky	981	669
20. Wisconsin	1,103	820
21. Illinois	2,863	2,185
22. Tennessee	982	752
23. Connecticut	603	480
24. Nevada	34	28
25. Indiana	1,215	1,080
26. Delaware	89	80
27. Oregon	358	323
28. Florida	551	501
29. New York	4,723	4,422
30. Wyoming	85	80
31. Utah	191	180
32. Pennsylvania	3,614	3,416
33. Idaho	167	138
34. New Hampshire	175	171
35. Colorado	389	384
36. Washington	587	580
37. Maine	299	298
38. West Virginia	649	647
39. Kansas	706	705

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
QUOTA FILLED			
40. Rhode Island	258	258	−1
IN EXCESS			
41. Massachusetts	1,594	1,621	+27
42. Missouri	1,362	1,418	−16
43. Vermont	135	142	+1
44. Minnesota	962	1,032	−23
45. North Dakota	255	274	+23
46. Montana	202	227	−2
47. South Dakota	269	298	+10
48. Iowa	927	1,096	+13
49. Nebraska	517	631	+1
50. Virginia	909	1,940	−7
51. Maryland	612	1,847	−5
52. District of Columbia	183	8,738	−21

GAINS	
By appointment	80
By reinstatement	0
By transfer	17
By correction	1
Total	98
LOSSES	
By separation	61
By transfer	115
Total	176
Total Appointments	46,806

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 14,231.

By direction of the Commission:

[SEAL] L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 38-2903; Filed, October 4, 1938; 10:06 a. m.]